

WAYNE COUNTY PLANNING BOARD

MINUTES

April 28, 2021

Chairman, Mert Bartels called the April meeting of the Wayne County Planning Board to order at 7:02 p.m. This meeting was held via Zoom video/call conferencing.

Board Present: Ron Baker, Mert Bartels, Rob Burns, Kenneth Conklin, Steve Guthrie, Bob Hutteman, Matt Krolak, Bob Milliman, Bert Peters, Larry Ruth, Jim Wedman

Staff: Bret DeRoo, Tracy Lambie, Thomas Lyon, Brian Pincelli

MARCH 2021 MINUTES

Action – Approve

Motion – Mr. Baker

Second – Mr. Peters

Abstention –

Motion carried

ZONING AND SUBDIVISION REFERRALS

The following 5 referrals were reviewed and determined to be of no intermunicipal or countywide impact:

Action – Return these referrals to the Towns/Villages to be handled as local matters

Motion – Mr. Milliman

Second – Mr. Peters

Opposed –

Abstention –

Motion carried

Corner Creek Resubdivision, Lot 7, 7560 Slocum Road, T. Ontario

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 62119-00-278263

Resubdivide portions of Lot 7 into Lots 1 and 8.

Comments:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new wastewater treatment system (or connection to municipal sewer) that will meet local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured with enough area for each lot to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) future plans for the total acreage should be considered,
- 4) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development/subdivision maintains function and compatibility (e.g. access/driveway, parking, stormwater management utility, etc. easements),
- 5) development, including water and wastewater treatment/sanitary service, and driveway design that includes provision for emergency service vehicle access (if applicable) must meet all local, federal and NYS codes/regulations (e.g. Department of Health, Uniform Fire Prevention and Building Codes, Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations) - if applicable,
- 6) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc. - if applicable and
- 7) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

Neels Subdivision, 7005 Furnace Road, T. Ontario

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 63118-00-592573

2 lot subdivision.

Comments:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new wastewater treatment system (or connection to municipal sewer) that will meet local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured with enough area for each lot to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) future plans for the total acreage should be considered,
- 4) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development/subdivision maintains function and compatibility (e.g. access/driveway, parking, stormwater management utility, etc. easements),
- 5) development, including water and wastewater treatment/sanitary service, and driveway design that includes provision for emergency service vehicle access (if applicable) must meet all local, federal and NYS codes/regulations (e.g. Department of Health, Uniform Fire Prevention and Building Codes, Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations) - if applicable,
- 6) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc. - if applicable and
- 7) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area (approximate mapping available online at <https://gisservices.dec.ny.gov/gis/erm/>) as well as FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

Tim Wizeman, 3505 Vienna Street, T. Palmyra

Preliminary/Final Subdivision Plan, Tax Map Ref. No. 65111-09-203575

2 lot subdivision.

Comments:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new wastewater treatment system (or connection to municipal sewer) that will meet local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured with enough area for each lot to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) future plans for the total acreage should be considered,
- 4) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development/subdivision maintains function and compatibility (e.g. access/driveway, parking, stormwater management utility, etc. easements),
- 5) development, including water and wastewater treatment/sanitary service, and driveway design that includes provision for emergency service vehicle access (if applicable) must meet all local, federal and NYS codes/regulations (e.g. Department of Health, Uniform Fire Prevention and Building Codes, Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations) - if applicable,
- 6) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc. - if applicable and
- 7) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area (approximate mapping available online at <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

Jim Blazey, 1177 Vienna Road, T. Palmyra

2 lot subdivision.

Comments:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new wastewater treatment system (or connection to municipal sewer) that will meet local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured with enough area for each lot to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) a driveway permit will be needed from the Wayne County Highway Department should a new driveway be proposed to access Vienna Road,
- 4) future plans for the total acreage should be considered,
- 5) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development/subdivision maintains function and compatibility (e.g. access/driveway, parking, stormwater management utility, etc. easements),
- 6) development, including water and wastewater treatment/sanitary service, and driveway design that includes provision for emergency service vehicle access (if applicable) must meet all local, federal and NYS codes/regulations (e.g. Department of Health, Uniform Fire Prevention and Building Codes, Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations) - if applicable,
- 7) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc. - if applicable and
- 8) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) National as well as NYSDEC wetland area (approximate mapping for both available online at <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

Gloria Casselman, 2747 Seeley Road, T. Williamson

Final Subdivision Plan, Tax Map Ref. No. 64118-00-330649

3 lot subdivision.

Comments:

- 1) the proposed lots should be configured with enough area for each lot to contain an existing and/or construct a new wastewater treatment system (or connection to municipal sewer) that will meet local and/or New York State (e.g. Department of Health, Uniform Fire Prevention and Building Code) codes/regulations,
- 2) the proposed lots should be configured with enough area for each lot to have a driveway that meets AASHTO (American Association of State Highway and Transportation Officials) recommendations for sight distance,
- 3) future plans for the total acreage should be considered (if any),
- 4) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development/subdivision maintains function and compatibility (e.g. access/driveway, parking, stormwater management utility, etc. easements),
- 5) development, including water and wastewater treatment/sanitary service, and driveway design that includes provision for emergency service vehicle access (if applicable) must meet all local, federal and NYS codes/regulations (e.g. Department of Health, Uniform Fire Prevention and Building Codes, Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations) - if applicable,
- 6) development should be done in a manner that keeps it compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, property maintenance, fencing, berms, landscaping, etc. - if applicable and
- 7) the property owner(s) should be aware that portions of the parent parcel appear to contain (or be near) National wetland area (approximate mapping available online at <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

Mr. Hutteman and Mr. Ruth joined the meeting at 7:15.

Proposed Local Law 1 of 2021, T. Huron

Amend Text

To regulate the siting, construction, operation and decommissioning of battery energy storage systems within the Town. Dwight Kanyuck presented.

Action – Approve with comments

Motion – Mr. Guthrie

Second – Mr. Wedman

Opposed –

Abstention –

Motion carried

Due to technical difficulties, Mr. Hutteman did not vote

Comments:

- 1) the proposed zoning update should be undertaken “in accord with a well-considered plan” or “in accordance with a comprehensive plan”, as referenced in the James A. Coon Local Government Technical Series, “**Zoning and the Comprehensive Plan**” (available online @ https://www.dos.ny.gov/lg/publications/Zoning_and_the_Comprehensive_Plan.pdf) and
- 2) the Town attorney should review and approve the proposed amendments (this is included in an effort to provide consistent comments regarding proposed zoning code updates, but it is understood that the town attorney has reviewed this application).

For reference, the following documents and web links may contain useful information and are available from the NYS Department of State and NYSERDA on their websites as follows:

1. “**Creating the Community You Want: Municipal Options for Land Use Control**” @ https://www.dos.ny.gov/lg/publications/Creating_the_Community_You_Want.pdf
2. “**Questions for the Analysis and Evaluation of Existing Zoning Regulations**” @ https://www.dos.ny.gov/lg/publications/Evaluating_Zoning.pdf
3. “**Local Laws and Agricultural Districts: How Do They Relate?**” @ https://www.dos.ny.gov/lg/publications/Local_Laws_and_Agricultural_Districts.pdf
4. “**Guidebook for Local Governments**” @ <https://www.nyserda.ny.gov/All-Programs/Programs/NY-Sun/Communities-and-Local-Governments/Solar-Guidebook-for-Local-Governments>

Information found below is also being included in this letter in an effort to provide consistent photovoltaic / battery energy storage system-related comments/references, from the WCPB to municipalities throughout the county. The Board recognizes that Huron staff and town attorney are familiar with many of the following references and NYSERDA guidance documents as some were used to help draft the proposed local law.

Comments below are generally divided into two categories: I. “**WCPB - Standard photovoltaic (PV) system comments**” (Source: NYS Department of State, Division of Local Government Services, “Solar Energy Regulation” presentation) and II. “**New comments to consider**”. The new comments relate to *municipal comprehensive planning* and *battery energy storage systems* and were copied from a December 2020 New York State Energy Research and Development Authority (NYSERDA) reference document, “New York Battery Energy Storage System Guidebook for Local Governments”. This document is available online at <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Battery-Energy-Storage-Guidebook>) and cites, “The Battery Energy Storage System Guidebook contains information, tools, and step-by-step instructions to support local governments managing battery energy storage system development in their communities. The Guidebook provides local officials in-depth details about the permitting and inspection process to ensure efficiency, transparency, and safety in their communities”.

I. “WCPB - Standard photovoltaic (PV) system comments” follow:

- 1) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as system design/materials, fencing, berms, landscaping, etc.,
- 2) it should be confirmed that the solar panels will not produce a glare (possibly impacting neighboring property owners, motorists, etc.),
- 3) a photovoltaic system decommissioning plan should be intact,
- 4) the access driveway should have sight distances available that meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 5) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Uniform Fire Prevention and Building Codes, NYS Department of Environmental Conservation – Phase II stormwater management and erosion and sediment control regulations, NYS Department of Agriculture and Markets - “Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands (Revision 10/18/2019)”, NYS Office of Parks, Recreation and Historic Preservation/SHPO, US Army Corps of Engineers and US Fish and Wildlife Service regulations- including, but not limited to, those relating to eagles – if applicable),
- 6) the property owner(s) should be aware that portions of the parcel appear to contain (or be near) National wetland area and NYS Department of Environmental Conservation wetland area (approximate mapping available for both online at <http://www.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations and
- 7) future plans (if any) for the total acreage should be considered.

Compatibility with neighborhood character:

1. Do not negatively impact adjacent uses
2. Visually compatible
 - a. For example, potential impact includes glare or reflection, which might be nuisance to other property owner or impair visibility of motor vehicle drivers
3. Use sensitivity especially in areas containing unique architectural styles or historic structures

Review elements:

1. Access to solar energy
2. Casting shadows
3. Blocking view sheds
4. Causing glare
5. Rain run-off

Decommissioning provisions:

- Some municipalities address abandonment, decommissioning or “cessation of activity” within their regulations
- For example, “Must ensure site will be restored to useful, nonhazardous condition, including completion time frame for complete removal of collectors, mounts and other associated equipment and facilities”
- Some require decommissioning plans, especially for commercial scale projects

Additional comments related to decommissioning requirements:

- **Term:** A surety bond may be required by the Obligee and may be a decommissioning requirement. A solar system surety bond may be required for multiple years (sometimes up to **20 years or longer**) and ensures finances are available for the removal of the equipment and the restoration of the land.
- **Costs:** Given the potential costs of decommissioning and land reclamation, it is reasonable for landowners and local governments to proactively consider system removal guarantees. A licensed professional engineer, preferably with solar development experience, can estimate

decommissioning costs, which vary across the United States. Decommissioning costs will vary depending upon project size, location, and complexity. Estimated costs for decommissioning a 2MW solar panel system are approximately \$100,000 (*Decommissioning Solar Panel Systems-NYSERDA* <https://www.nyserdera.ny.gov/-/media/NYSun/files/Decommissioning-Solar-Systems.pdf>)

II. “New comments to consider”:

1. NYSERDA guidance documents suggest that municipalities should update comprehensive plans and then zoning to address land use items related to alternative energy.
2. Special Use Permit Standards (for “Tier 2” Battery Energy Storage Systems - “Tier 2” systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area):
 - a) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
 - b) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
 - c) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a [7-foot-high] fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
 - d) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

As a note, the WCPB has reviewed over ten (10) similarly sized photovoltaic (PV) systems, 2 - 4 megawatt system capacity, from municipalities across the county since late 2016. They have also recently reviewed two (2) applications for proposed Battery Energy Storage Systems. In their review, the Board has noticed that several, but not all, of the proposals were for systems that would be sited on active farmland. They understand that some municipalities permit solar developments on farmland, but they are still interested in continuing to explore development options that would help minimize farmland impacts. The Board continues to seek additional information to help them assess/consider the relationship between items such as agricultural and farmland protection efforts (with particular consideration given to farmland that is classified as “prime” and/or of “statewide importance”), NYS clean energy goals, comprehensive plans/local zoning regulations and details regarding the proposed photovoltaic (PV) system development. The Board, as well as our department, received information that seemed appropriate to share should you wish to research this subject further. The web links found below will lead to information that has been made available by the American Farmland Trust, NYSERDA and New York State Office of the Governor.

Some of the resources made available from the American Farmland Trust (AFT):

- Link to the “**Where Does New York Stand?** Findings from AFT's “**Farms Under Threat: The State of the States**” presentation @ https://www.youtube.com/watch?v=-UDdEQ83_WE&list=PL6kH004Kij1KZWxLCeBdX_u5z6b0adeR1&index=3
- Link to **Farms Under Threat Report** (<https://farmland.org/project/farms-under-threat/>)
- Link to the “**Smart Solar Siting in New York**” resources @ <https://farmland.org/smart-solar-siting-in-new-york/>. Learn how to design Solar Land Use Laws that permit solar, support farm businesses, and protect productive, versatile, resilient farmland in your community
- Additional compendium of **Solar Siting Resources** (<https://www.farmlandinfo.org/special-collections/4718>) from the Farmland Information Center
- Link to the **Farmington, NY: Solar Photovoltaic Systems Siting Ordinance** (<https://www.farmlandinfo.org/farmington-ny-solar-photovoltaic-systems-siting-ordinance>) available from the Farmland Information Center

Some of the other resources made available from the New York State Energy Research and Development Authority (NYSERDA) - all links active as of 1/27/2021:

- **Clean Energy Siting for Local Governments:** <https://www.nyserdada.ny.gov/All-Programs/Programs/Clean-Energy-Siting>
- **Clean Energy Standard:** <https://www.nyserdada.ny.gov/All-Programs/Programs/Clean-Energy-Standard>
- **New York State Energy Storage:** <https://www.nyserdada.ny.gov/All-Programs/Programs/Energy-Storage>
- **Solarize Your Community:** <https://www.nyserdada.ny.gov/All-Programs/Programs/NY-Sun/Communities-and-Local-Governments/Solarize>
- **Technical Assistance and Workshops:** <https://www.nyserdada.ny.gov/All-Programs/Programs/Clean-Energy-Siting/Technical-Assistance-and-workshops>

Some of the news made available from the New York State Office of the Governor “Pressroom” webpage:

The [Climate Leadership and Community Protection Act \(CLCPA\)](https://climate.ny.gov/) was signed by Governor Cuomo on July 18, 2019. Information regarding New York State’s comprehensive climate and clean energy legislation can be found by accessing the “Climate” webpage @ <https://climate.ny.gov/> and the following link that was listed on the Governor’s Pressroom webpage @ <https://www.governor.ny.gov/news/governor-cuomo-executes-nations-largest-offshore-wind-agreement-and-signs-historic-climate>. The following items were copied from a pressroom document:

Historic Climate Leadership and Community Protection Act

The CLCPA requires the State to achieve a carbon free electricity system by 2040 and reduce greenhouse gas emissions 85% below 1990 levels by 2050, setting a new standard for states and the nation to expedite the transition to a clean energy economy. The new law will drive investment in clean energy solutions such as wind, solar, energy efficiency and energy storage. Importantly, implementation of the CLCPA will target investments to benefit disadvantaged communities, create tens of thousands of new jobs, improve public health and quality of life and provide all New Yorkers with more robust clean energy choices.

Highlights of the new law include:

Putting New York on Road to Economy-Wide Carbon Neutrality: *The New York State Department of Environmental Conservation (DEC) will, through the adoption of regulations, drive an 85% reduction in greenhouse gas emissions by 2050, with an interim mandate of 40% reduction in emissions by 2030 (both relative to 1990 levels). The Climate Action Council will develop a plan to offset remaining emissions through carbon capture or other technologies, resulting in a carbon-neutral economy.*

70% Renewable Energy by 2030 and Zero-Carbon Emission Electric Sector by 2040: *The CLCPA codifies Governor Cuomo's nation-leading goals as called for under his Green New Deal, mandating that at least 70% of New York's electricity come from renewable energy sources such as wind and solar by 2030, and that the state's power system is 100% carbon neutral by 2040.*

Nation-Leading Clean Energy Investments: *The CLCPA also codifies Governor Cuomo's nation-leading commitments to install 9,000 megawatts of offshore wind by 2035; 6,000 megawatts of distributed solar by 2025; and 3,000 megawatts of energy storage by 2030.*

Climate Action Council and Policy Roadmap: *Expert heads of relevant state agencies and legislative appointees will craft the roadmap of policies needed to achieve the law's mandates. The Council, co-chaired by the New York State Energy Research and Development Agency (NYSERDA) and DEC will establish sector specific working groups to make sure experts and stakeholders inform all policies developed under the CLCPA. Planned working groups include a just transition working group, as well as working groups on transportation, agriculture, energy-intensive and trade-exposed industries, land use and energy efficiency.*

Landmark Investments in Environmental Justice and Just Transition: *Relevant state agencies will invest 35% of clean energy program resources to benefit disadvantaged communities, and will aim to invest 40%. Additionally, the just transition working group will work to ensure that individuals working in conventional energy industries are provided with training and opportunities in the growing clean energy economy.*

Mavis Discount Tire, 6776 Route 31 East, V. Newark

Preliminary/Final Site Plan / Area Variance, Tax Map Ref. No. 69111-00-276262

6,900 sq. ft. tire store, 30 parking spaces where 44 are required, 40,075 sq. ft. lot where 50,000 required, lot depth 197.36 ft where 250 sq. ft. required, 2 signs where 1 permitted. Matt Tomlinson presented.

Action – Approve with comments

Motion – Mr. Baker

Second – Mr. Ruth

Opposed –

Abstention –

Motion carried

Due to technical difficulties, Mr. Hutteman did not vote

Comments:

Comments regarding the area variances follow:

- 1) the hardship criteria (rules/test) that are required to grant the area variances must be substantiated at the local level and
- 2) the minimum variances necessary/adequate should be considered.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf .

Details regarding each of the area variance “hardship rules/test” can be found in this document.

The following comments relate to the Preliminary/Final Site Plan:

- 1) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway locations, building area, parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, driveway locations, building area and associated parking areas should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to the internal plaza roads/surrounding development (e.g. Verizon, Walmart and AutoZone Walmart) and no on-site development should impede available sight distances,
- 2) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing (from all directions) through use of items such as building design/materials, fencing, berms, landscaping, etc., particularly given that the parcel is located on the highly traveled NYS Rt. 31 (Erie Canalway National Heritage Corridor) - Mavis may have several building/site design and development options available, ultimately with one that meets the character the village desires,
- 3) screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed commercial development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses),
- 4) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 5) any/all toxic/hazardous materials should be properly stored, handled and disposed of,
- 6) emergency service vehicle access should be provided and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, police and fire),
- 7) snow maintenance/removal plans should be considered,
- 8) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development/subdivision maintains function and compatibility (e.g. access/driveway, parking, stormwater management utility, etc. easements),

- 9) future plans (if any) for the total plaza acreage should be considered to help determine how all existing and proposed uses will remain compatible,
- 10) all necessary local, federal and state recommendations and approvals/permits must be followed/obtained (e.g. NYS Department of Environmental Conservation-Phase II Stormwater Management and Erosion and Sediment Control and Petroleum Bulk Storage Regulations as well as NYS Uniform Fire Prevention and Building Codes) and
- 11) the applicant(s) should be aware that portions of the parcel may contain (or be near) FEMA flood zone area (approximate mapping available online at <https://msc.fema.gov/portal>) and any planning/development should be done in accordance with applicable regulations.

Wilcox Property, 6441 Fisher Road, T. Ontario

Preliminary/Final Site Plan, Tax Map Ref. No. 64117-00-128863

2,400 sq. ft. pole barn for commercial use. Don Lewis presented.

Action – Approve with comments

Motion – Mr. Peters

Second – Mr. Ruth

Opposed –

Abstention –

Motion carried

Comments:

- 1) the site’s access driveway should meet local and/or NYS Uniform Fire Prevention and Building Codes, particularly given that it will be used to service the proposed commercial use as well as existing residential uses,
- 2) driveway sight distances should meet AASHTO (American Association of State Highway and Transportation Officials) recommendations,
- 3) proposed on-site traffic circulation, building areas and associated parking areas should be designed/developed in a manner that will provide safe interaction between those items as well as access to the driveway,
- 4) emergency service vehicle access should be provided for,
- 5) all applicable/necessary easements (“cross-lot” included) should be in place to ensure that the development/subdivision maintains function and compatibility (e.g. access/driveway, parking, stormwater management utility, etc. easements),
- 6) development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, property maintenance, etc., particularly given that the parcel is located near the highly traveled NYS Rt. 104 and adjacent residential uses,
- 7) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact nearby residential uses),
- 8) outside storage should be limited (e.g. equipment in disrepair should not be permitted to accumulate),
- 9) any/all hazardous/toxic materials must be properly stored, handled and disposed of,
- 10) any/all necessary local, state and federal (e.g. NYS Uniform Fire Prevention and Building Codes) approvals/permits/recommendations must be followed/obtained and
- 11) the property owner(s) should be aware that portions of the parcel may contain (or be near) National wetland area (mapping available online at <https://gisservices.dec.ny.gov/gis/erm/>) and any planning/development should be done in accordance with applicable regulations.

Due to technical difficulties, Mr. Hutteman did not vote

Peak Manufacturing Building Expansion, 6314 Dean Parkway, T. Ontario

Area Variance/Preliminary/Final Site Plan, Tax Map Ref. No. 61117-00-161691, 61117-00-226715

3,000 sq. ft. bldg. addition to existing 10,110 sq. ft. manufacturing bldg. Randy Bebout and Matt Carlson presented. Mike Bechtold was also available.

Action – Approve with comments

Motion – Mr. Peters

Second – Mr. Wedman

Opposed – Mr. Guthrie

Abstention –

Motion carried

Due to technical difficulties, Mr. Hutteman and Mr. Burns did not vote

Comments:

Comments regarding the area variances follow:

- 1) the hardship criteria (rules/test) that are required to grant the area variances must be substantiated at the local level and
- 2) the minimum variances necessary/adequate should be considered.

For reference, the NYS Department of State has a useful reference document available, “**Zoning Board of Appeals**”, on their website @ https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf .

Details regarding each of the area variance “hardship rules/test” can be found in this document.

The following comments relate to the Preliminary / Final Site Plan:

- 1) proposed development should be done in a manner that helps it remain compatible with surrounding land uses and is also aesthetically pleasing through use of items such as building design/materials, fencing, berms, landscaping, property maintenance, etc., particularly given that the parcel has access to Timothy Lane and is near the highly traveled NYS Rt. 104 corridor,
- 2) screening (e.g. fence, berm, landscaping, etc.) should be considered/used to help the proposed development remain compatible with surrounding land uses (i.e. mitigate visual and noise impacts between this proposal and adjacent land uses - if applicable),
- 3) traffic generating characteristics of the proposal should be considered, including, but not limited to the following: driveway location(s), building area(s), parking area(s), driveway sight distances (i.e. they should meet American Association of State Highway and Transportation Officials - AASHTO recommendations) and on-site traffic circulation. Proposed on-site traffic circulation, building area, associated parking area(s) and development plans should be designed/developed in a manner that will provide safe pedestrian and vehicular interaction between those items as well as access to Dean Parkway,
- 4) emergency service vehicle access should be planned and provided for, including driveway design that meets NYS Uniform Fire Prevention and Building Codes (if applicable), and local emergency service providers should review plans to ensure that proposed development can be accessed and served (e.g. ambulance, fire, and law enforcement),
- 5) all necessary “cross-lot easements“ should be in place to ensure that applicable existing and potential future development(s) can maintain their function and compatibility (e.g. access/driveway, parking, stormwater management, utility, etc. easements),
- 6) “operational noises” should be mitigated (i.e. noise generated by business activity should not impact other nearby uses - if applicable),
- 7) outside storage should be limited (e.g. items in disrepair should not be permitted to accumulate),
- 8) any toxic/hazardous materials should be properly stored, handled and disposed of,
- 9) development, including water and wastewater treatment/sanitary service, must meet all local, federal and NYS codes/regulations (Department of Environmental Conservation - Phase II Stormwater Management and Erosion and Sediment Control regulations and other applicable regulations, Department of Health, Uniform Fire Prevention and Building Codes, etc.),
- 10) future plans (if any) for the total acreage should be considered and
- 11) proposed development should take applicable “well-considered” and/or master planning efforts/recommendations into account (e.g. “Commerce Center Master Plan”).

The Wayne County Planning Board has reviewed several site plan applications for proposed development within the park over the past few years. They would still like to ensure they understand overall/comprehensive plans for the park to the extent possible. The Board continues to feel that it is important to confirm that items such as, but

not necessarily limited to, infrastructure/roadways and emergency services, are planned/designed to meet the demands of existing as well as proposed uses. In the past, the Board has specifically questioned if traffic study information will be available for the park area. They are pleased to be informed/updated that work continues to proceed within the Town to help address traffic-related issues and other future park plans.

Other Business:

Mr. Wedman made a motion to adjourn the meeting, seconded by Mr. Ruth. There being no further business, the meeting was adjourned at 7:42 PM.

Respectfully submitted,
Tracy Lambie, Secretary